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June 20, 2023

**VIA ECF**

The Honorable Sarah L. Cave  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 18A  
New York, NY 10007-1312

**Re: *Flynn et al v. Cable News Network, Inc.*, No. 1:21-cv-02587-GHW-SLC**

Dear Judge Cave:

We represent Defendant Cable News Network (“CNN”) and submit this letter-motion in response to Plaintiffs’ opposition dated June 16, 2023 (ECF No. 147) and in further support of Defendant’s letter-motion dated June 12, 2023 (ECF No. 143).

**Jack Flynn:** At the outset, Plaintiff’s counsel states that he responded on June 6, 2023 via email to CNN’s requests that Jack produce (1) any photos and/or videos taken at the Flynn’s July 4, 2020 barbecue, including any photos and/or videos taken by Jack Flynn; and (2) any “public statement to the effect of the existence and foundation of Q is hogwash.” CNN’s counsel, however, did not receive any such email communication on June 6, 2023. In any event, Plaintiff’s counsel’s response as set forth in the opposition is unsatisfactory.

As to the first request, Plaintiff’s counsel states that “Jack Flynn has no videos.”

[REDACTED] *, see* ECF No. 143, [REDACTED]. Jack Flynn testified at his deposition that [REDACTED]

[REDACTED]. Plaintiffs’ opposition does not answer that question, which is obviously relevant to the searches Jack Flynn purportedly conducted. Plaintiff’s opposition also does not answer (1) w [REDACTED]; and (2) whether Jack only searched for videos, as the opposition suggests, or if he also looked for photos or any other cell phone recordings.

As to the second request, Jack Flynn testified that [REDACTED]

[REDACTED] Although Plaintiffs’ counsel now states that no documents are being withheld on the basis of privilege, the opposition does not state whether Jack Flynn and his counsel searched his files for any such statements.

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CNN requests that this Court order Plaintiffs to (1) confirm which repositories Jack Flynn has searched in connection with these two requests, including confirmation that Jack Flynn searched [REDACTED]; and (2) produce all responsive documents within one week of the Order.

**Leslie Flynn:** In their opposition, Plaintiffs confirmed that Leslie Flynn will supplement her interrogatory answer related to her communications with her friend, [REDACTED], by June 23, 2023. Plaintiffs also state that Leslie has produced all responsive documents, and points to two documents, PX 258 and PX 274-88. But those two documents do not contain the original message from [REDACTED] to Leslie Flynn [REDACTED], nor do they contain the text messages that Plaintiffs' counsel said that Leslie Flynn exchanged with [REDACTED] in March 2021.

PX 258 is [REDACTED]


PX 274-288 is [REDACTED]

No text messages between Leslie Flynn and [REDACTED] have been produced ([REDACTED]), despite Plaintiffs' representations that [REDACTED].

CNN requests that this Court order Leslie Flynn to produce all responsive text messages with [REDACTED] within one week of the Order.

Respectfully Submitted,

Davis Wright Tremaine LLP

  
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